



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2560

DATE SCANNED 1-3-13

SCANNER NO. 2

SCAN OPERATOR AmD

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 SEP 11 PM 1: 12

September 11, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerall *JP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 July Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 July Quarterly Report in accordance with 2 U.S.C. 434(a). The 2012 July Quarterly Report was due on July 15, 2012.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2012 JULY QUARTERLY Not Election Sensitive 07/15/2012 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2538	C00508295	BICKNELL FOR CONGRESS	BICKNELL, HUNTER	JAMES R. SHAW, JR.	\$121,335	0	8/3/2012	19	\$34,201	\$580
2539	C00020453	CASS COUNTY REPUBLICAN CENTRAL COMMITTEE		TONY P. KEY	\$100,231	1	8/9/2012	25	\$8,084	\$225

2541	C00500173	DAVID MCINTOSH FOR INDIANA	MCINTOSH, DAVID MARTIN	JACKIE M. BENNETT, JR.	\$1,733,077	0	7/31/2012	16	\$575,917	\$6,500
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2548	C00500827	JOHN LEE FOR CONGRESS	LEE, JOHN JAY	RYANN PATRICK-SHELL JUDEN	\$138,309	0		Not Filed	\$46,103 (est)	\$990
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2551	C00293100	NAADAC THE ASSOCIATION FOR ADDICTION PROFESSIONALS		ALVIN FELICIANO	\$103,032	0	8/23/2012	Not Filed	\$14,149	\$550
2552	C00413567	NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC		ROBERT L. REDDING, JR.	\$154,216	0	8/8/2012	24	\$33,826	\$680
2553	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74		MARK R. PERMAR	\$109,945	1	8/2/2012	18	\$15,813	\$250

2556	C00467761	SUE LOWDEN FOR U S SENATE	LOWDEN, SUE	BOB BEERS	\$273,273	2		Not Filed	\$54,655 (est)	\$4,455
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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2560	C00430686	WEBB FOR SENATE	WEBB, JAMES H JR	INGRID MORROY	\$257,207	0		Not Filed	\$51,441 (est)	\$2,970

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2012)
July Quarterly Report for the)
Administrative Fine Program:)
BICKNELL FOR CONGRESS, and) AF# 2538
JAMES R SHAW JR as treasurer;)
CASS COUNTY REPUBLICAN) AF# 2539
CENTRAL COMMITTEE, and TONY P)
KEY as treasurer;)

DAVID MCINTOSH FOR INDIANA, and) AF# 2541
JACKIE M BENNETT JR as treasurer;)

JOHN LEE FOR CONGRESS, and) AF# 2548
JUDEN, RYANN PATRICK-SHELL as)
treasurer;)

NAADAC THE ASSOCIATION FOR) AF# 2551
ADDICTION PROFESSIONALS, and)
ALVIN FELICIANO as treasurer;)

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NATIONAL ASSOCIATION OF FARM) AF# 2552
SERVICE AGENCY COUNTY OFFICE)
EMPLOYEES INC PPC AKA NASCOE)
PAC, and ROBERT L REDDING JR as)
treasurer;)
PLUMBERS AND PIPEFITTERS LOCAL) AF# 2553
UNION 74, and MR MARK R PERMAR as)
treasurer;)

SUE LOWDEN FOR U S SENATE, and) AF# 2556
BOB BEERS as treasurer;)

WEBB FOR SENATE, and INGRID) AF# 2560
MORROY as treasurer;)

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do
hereby certify that on September 12, 2012 the Commission took the following actions
on the Reason To Believe Recommendation - 2012 July Quarterly Report for the
Administrative Fine Program as recommended in the Reports Analysis Division's
Memorandum dated September 11, 2012, on the following committees:

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AF#2538 Decided by a vote of 6-0 to: (1) find reason to believe that BICKNELL FOR CONGRESS, and JAMES R SHAW JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2539 Decided by a vote of 6-0 to: (1) find reason to believe that CASS COUNTY REPUBLICAN CENTRAL COMMITTEE, and TONY P KEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2541 Decided by a vote of 6-0 to: (1) find reason to believe that DAVID MCINTOSH FOR INDIANA, and JACKIE M BENNETT JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2548 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN LEE FOR CONGRESS, and JUDEN, RYANN PATRICK-SHELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2551 Decided by a vote of 6-0 to: (1) find reason to believe that NAADAC THE ASSOCIATION FOR ADDICTION PROFESSIONALS, and ALVIN FELICIANO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2552 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC, and ROBERT L REDDING JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2553 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and MR MARK R PERMAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2556 Decided by a vote of 6-0 to: (1) find reason to believe that SUE LOWDEN FOR U S SENATE, and BOB BEERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2560 Decided by a vote of 6-0 to: (1) find reason to believe that WEBB FOR SENATE, and INGRID MORROY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 13, 2012
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 2012

Ingrid Morroy, in official capacity as Treasurer
Webb for Senate
700 13th Street, NW, Suite 600
Washington, DC 20005

C00430686
AF#: 2560

Dear Ms. Morroy:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30th, shall be filed no later than July 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 12, 2012, the FEC found that there is reason to believe ("RTB") that Webb for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 15th. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,970. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$2,970 is due within forty (40) days of the finding, or by October 22, 2012, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$51,441
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 22, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Webb for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$2,970 for the 2012 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by October 22, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Webb for Senate

FEC ID#: C00430686

AF#: 2560

PAYMENT DUE DATE: October 22, 2012

PAYMENT AMOUNT DUE: \$2,970

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 NOV 26 PM 2: 01

November 26, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PC for PO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerall *SP*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2012 July Quarterly Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 July Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

Reports Analysis Division (RAD) recommends that the Commission take no further action against Webb for Senate (AF 2560). At RTB, the Committee appeared to have failed to file the 2012 July Quarterly Report. After RTB, it was determined that the Committee had timely filed the 2012 July Quarterly Report using their previously terminated Committee ID

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number. The Committee subsequently filed the 2012 July Quarterly Report under their current Committee ID number. As such, RAD recommends No Further Action should be taken against the Committee.

For your information, committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and one (1) committee will not be assessed a civil money penalty at FD. An overview of each of these cases has been provided below.

John Lee for Congress (AF 2548) filed the 2012 July Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$46,103), which would result in no civil money penalty (fine previously assessed to be \$990).

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RAD Recommendation

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Make final determination that the political committees and their treasurers listed on the attached reports with no activity, violated 2 U.S.C. § 434(a) and will not be assessed a civil money penalty.
- (3) Take no further action in AF# 2560 that Webb for Senate and Ingrid Morroy, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
- (4) Send the appropriate letters.

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Federal Election Commission
FD Circulation Report Fine Paid
2012 JULY QUARTERLY Not Election Sensitive 07/15/2012 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2538	BICKNELL FOR CONGRESS CASS COUNTY REPUBLICAN CENTRAL COMMITTEE	BICKNELL, HUNTER	C00508295	JAMES R. SHAW, JR.	08/09/2012	19	\$34,201	0	09/12/2012	\$580	\$580	10/22/2012	\$580
2539	MADISON PAC FOR CONSTITUTIONAL LIMITED GOVERNMENT		C00020453	TONY P. KEY	08/09/2012	25	\$8,084	1	09/12/2012	\$225	\$225	09/19/2012	\$225
2541	NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC	MCINTOSH, DAVID MARTIN	C00500173	JACKIE M. BENNETT, JR.	07/31/2012	16	\$575,917	0	09/12/2012	\$8,500	\$8,500	10/2/2012	\$8,500
2552	PLUMBERS AND PIPEFITTERS LOCAL UNION		C00413567	ROBERT L. REDDING, JR.	08/09/2012	24	\$33,828	0	09/12/2012	\$880	\$880	10/10/2012	\$880
2553			C00192849	MARK R. PERMAR	08/02/2012	18	\$15,813	1	09/12/2012	\$250	\$250	10/22/2012	\$250

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Federal Election Commission
FD Circulation Report Fine Not Paid
2012 JULY QUARTERLY Not Election Sensitive 07/15/2012 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
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2548	JOHN LEE FOR CONGRESS	LEE, JOHN JAY	C00500827	RYANN PATRICK-SHELL JUDEN	10/15/2012	Not Filed	\$0	0	09/12/2012	\$990	75	NONE
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Webb for Senate and Ingrid Morroy, in) AF 2560
her official capacity as Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 27, 2012, the Commission decided by a vote of 6-0 to take no further action in AF# 2560 that Webb for Senate and Ingrid Morroy, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 28, 2012
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 28, 2012

Ingrid Morroy, in official capacity as Treasurer
Webb for Senate
700 13th Street NW, Suite 600
Washington, DC 20005

C00430686
AF#: 2560

Dear Ms. Morroy:

On September 12, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Webb for Senate and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 July Quarterly Report. By letter dated September 13, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$2,970 in accordance with the schedule of penalties at 11 CFR § 111.43.

The FEC made a final determination on November 27, 2012 to take no further action against you, in your official capacity as treasurer, and Webb for Senate, assessed no civil money penalty, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

Carole C. Hunter

Caroline C. Hunter
Chair

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2560

DATE SCANNED 1-3-13

SCANNER NO. 2

SCAN OPERATOR JMP

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